S.B.CRIMINAL MISC. BAIL APPLICATION NO. 4348/2007
(Suresh Vs. State of Rajasthan)

DATE OF ORDER : 17/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. B.S.Rathore for the petitioner.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioner and Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by learned counsel for the petitioner that the Ghee in question of which the sample was taken by the Food Inspector in the presence of the police, were purchased in the sealed tins from M/s Sparsh Udhyog, Ajmer on 20.7.2007. On being asked, M/s Sparsh Udhyog, Ajmer intimated that the said packed ghee has been purchased by them from Pankaj Food Product, Gwalior on 6.7.2007. The bills and the sales tax receipts have already been produced on record. All the tins which were checked by the police were found packed.

Looking to the facts and circumstances of the case and there being no specific allegation of manufacturing spurious ghee against the present petitioner, having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioner under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Suresh S/o Jeevan Lal in CR No. 219/2007 P.S. Jaisalmer, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along

with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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